

Docket No.: 61352-050

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
Katsuya NOZAWA et. al.	:	
Serial No.:	:	Group Art Unit:
Filed: October 24, 2003	:	Examiner:
For: METHOD OF ESTIMATING SUBSTRATE TEMPERATURE	:	

PETITION FOR NON-PUBLICATION OF APPLICATION
UNDER 37 CFR §1.183

Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

Sir:

Applicants respectfully request that consideration be given to the request for non-publication of the above-identified application being filed concurrently herewith.

The instant petition is being filed due to the fact that the above-identified application has two corresponding Japanese applications (JP2001-328807 and JP2001-328808) which were previously filed in another country, and therefore, the requirements set forth under 37 C.F.R. § 1.213(a) for non-publication are not satisfied. However, although the above-identified Japanese applications were filed in another country, they were both withdrawn before publication, and therefore they have never been published. As explained below, as the primary basis for allowing an application not to be published has been satisfied (i.e., non-publication

by another patent office outside of the US), it is respectfully requested that the above-identified application not be published until such time as the application issues as a patent.

As noted, the two Japanese applications are Japanese Patent Application Nos. 2001-328807 and 2001-328808, both of which were filed on October 26, 2001 in the Japanese Patent Office (JPO). However, both the foregoing Japanese applications were withdrawn prior to publication. As such, neither of the foregoing Japanese patent applications were or will be published by the JPO. Accordingly, as the primary objective of the non-publication provision set forth in 37 C.F.R. §1.213(a) is to allow the Applicants to prevent the application from publishing if the application will not be published outside of the US, as the above-identified application has not be published outside of the US, it is respectfully requested that the instant application not be published until such time as it issues as a patent.

Furthermore, it is noted that the PCT application to which the instant application claims priority to only designated the United States. As such, under PCT Article 64(3), the PCT application should not be published.

It is noted that a Request for Non-Publication and Certification under 35 U.S.C. § 122 is being filed concurrently herewith. If the instant petition is denied for any reason, it is respectfully requested that the Request for Non-Publication be discarded.

The petition fee as set forth under 37 CFR §1.17(h) in the amount of \$130 is hereby made and requested to be charged to Deposit Account No. 50-0417. Please

charge any shortage in fees due in connection with the filing of this paper to Deposit
Account 50-0417 and credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

A handwritten signature in black ink, appearing to be 'Michael E. Fogarty', written over the printed name and registration number.

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